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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,424	01/18/2001	Shmuel Shaffer	062891.0472	7043

7590

05/20/2004

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EXAMINER
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AL AUBAIDI, RASHA S

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 05/20/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/766,424

**Applicant(s)**

SHAFFER ET AL.

**Examiner**

Rasha S AL-Aubaidi

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Response to Amendment***

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 103***

2. Claims 1, 2, 4, 8, 9 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruno.

Regarding claim 1, Bruno et al. discloses a "process for converting a point-to-point multimedia call to a bridged multimedia call." The method of Bruno et al. enables the conversion of a an ongoing point-to-point conference call (i.e. conducting a conference call between a plurality of clients using \_a first call resource) to a multiparty bridged conference call (i.e. second call resource) without disruption of the ongoing exchange of audio information and/or data while the additional parties are added (i.e. transferring the conference call from the first call resource to the second call resource without suspending communication of a plurality of mixed media streams received bye clients) [see Bruno et al. col. 2, line 55]. Furthermore, prior to the conversion, a determination as to the availability of the desired number of conference ports on an MCU (conference bridge) must be made (i.e. identifying a second call resource available to conduct the conference call).

Bruno does not specifically teach conducting a conference call between three or more clients.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to conduct a conference call between two, three, four, ...n of client, depending on the number of participants in the conference call. Also bridging the clients in a conference call will provide them with the speed and the convenience.

Regarding claim 2, the method of Bruno et al. comprises the use of 2 bearer channels to conduct the point-to-point conference call. During the initial point-to-point conference call the 2 bearer channels together carry audio and video corresponding to a single conference call (i.e. generating a first mixed media stream at the first call resource). In the process of converting the point-to-point call to a multiparty bridged call, each initial participant (12a, 12b) in Bruno et al. Fig. 4) in the conference drops their mutually connected second bearer channel and uses it to establish a connection to a first reserved MCU (i.e. call resource) port (i.e. second mixed media stream at the second call resource) [see Bruno et al. col. 6, line 40]. Furthermore, the newly established MCU-connected second bearer channels are formatted such that they are identical to that of the ongoing first bearer channel. Also, the data stream carried by the first bearer channel is replicated onto the second bearer channel (i.e. modify synchronization information in the second mixed media stream to match synchronization information in the first mixed media stream). Finally, the conference call participants (12a, 12b) disconnect their mutually connected first bearer channel and establish a connection to a second reserved MCU (i.e. call resource) port (i.e. terminating the first mixed media stream to end communication with the first call

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resource upon confirming that the modified second mixed media stream is valid). Once both participants (12a, 12b) are successfully connected to their respective reserved MCU ports, they no longer directly communicate with each other through a point-to-point call but, instead, now communicate indirectly through the MCU (i.e. second call resource) and communicating (i.e. communicating the modified second mixed media stream to the clients). In the course of the above discussion, the initial participants may be construed to be mutual first call resources.

Regarding claim 4, see Bruno et al. as applied above and further note that in the method taught by Bruno et al., a standard protocol such as H.320 is instituted for reformatting the second bearer channel (i.e. second mixed media stream) connected to the MCU (i.e. second call resource) into a format identical to that of the first bearer channel [see Bruno et al. col. 6, line 45]. This aspect of the method of Bruno et al. reads on instructing the second call resource to adjust synchronization information in the second mixed media stream.

Regarding claim 8, see Bruno et al. as applied above and further note that in the method of Bruno et al., it is inherent that the two media streams exchanged between the participants (12a, 12b) of Bruno et al. Fig. 4 comprise a first media stream and a first mixed media stream as per claim 8, since conference calls are inherently bridged or mixed in this manner; in this manner, two or more participants perceive they are proximate.

Regarding claim 9, see Bruno et al. as applied above.

Regarding claim 21, see Bruno et al. as applied above and further note that it is inherent that the MCU (36) (i.e. media gateway) comprises an interface since it is connected to a network for the purpose of bridging conference calls. It is also inherent that such an MCU (36) also comprises a processing module.

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bruno et al. In view of US patent 4,477,895 to Casper et al. Note that the grounds for rejection are maintained from those set forth in the Office Action mailed August 13, 2003.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bruno et al. In view of US patent 5,467,342 to Logston et al. Note that the grounds for rejection are maintained from those set forth in the Office Action mailed August 13, 2003.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bruno et al. in view of US patent 6,081,513 to Roy. Note that the grounds for rejection are maintained from those set forth in the Office Action mailed August 13, 2003.

6. Claims 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bruno et al. in view of US patent 5,625,407 to Biggs et al. Note that the grounds for

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rejection are maintained from those set forth in the Office Action mailed August 13, 2003. Examiner added the limitation of "three or more clients" which was recited in claim 10.

7. Claims 19 and 20 are rejected under 35 U.S.C. 103(x) as being unpatentable over Bruno et al. in view of Biggs et al. and in further view of US patent 6,275,575 to Wu. Note that the grounds for rejection are maintained from those set forth in the Office Action mailed August 13, 2003.

8. Rejections of claims 11-18 are maintained per the Office Action mailed August 13, 2003.

9. Rejections of claims 22-29 are maintained per the Office Action mailed August 13, 2003.

10. Rejections of claims 30-38 are maintained per the Office Action mailed August 13, 2003.

11. Rejections of claims 39 and 40 are maintained per the Office Action mailed August 13, 2003.

***Response to Arguments***

12. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Havens (US PAT # 6,735,175) teaches allowing calling party/originating to change the QoS during a communication session with the called party (see Fig. 2 and abstract of the invention).

Farris (US PAT # 6,574,216) teaches allowing a subscriber who are engaged with another party in a communication session (e.g., VOIP) to change and switch from this source to another source (e.g., PSTN) when the voice call quality drops below the minimum acceptable threshold level (see Fig. 2 and abstract of the invention).

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S. Al-Aubaidi whose telephone number is 703-605-5145. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on 703-305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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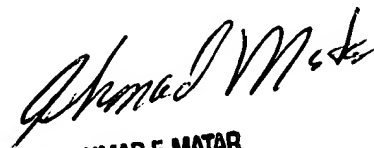
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

Examiner

Rasha S. Al-Aubaidi

05/16/2004

  
AHMAD F. MATAR  
SUPERVISORY PATENT EXAMINER  
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